

No. 24-1682

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IN THE UNITED STATES COURT OF APPEALS FOR THE  
FOURTH CIRCUIT

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MICHELE BLAIR, individually and as Guardian  
and next friend of S.B., a minor,  
V.

APPOMATTOX COUNTY SCHOOL BOARD:  
ANNETTE A. BENNETT, et. al.,  
DEFENDANTS-APPELLEES.

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On Appeal from the United States District Court for  
the Western District of Virginia  
Case No. 6:23-cv-00047-NKM-CKM  
The Honorable Norman Moon District Judge

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**APPLICATION FOR LEAVE TO FILE BRIEF OF *AMICI*  
*CURIAE* OUR DUTY- USA IN SUPPORT OF PLAINTIFFS-  
APPELLANTS AND IN SUPPORT OF OVERRULING**

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**APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

TO THE HONORABLE ALBERT DIAZ, CHIEF JUSTICE OF THE  
CALIFORNIA COURT OF APPEALS, FOURTH APPELLATE  
DISTRICT,

Pursuant to Rule of Court 29(a) Our Duty – USA (“Our Duty”) respectfully applies for leave to file the accompanying amicus brief in support of Plaintiffs-Appellants. The proposed amicus is familiar with the parties’ arguments. It believes that the attached brief will aid the Court in its consideration of the appeal from the dismissal of Plaintiffs’ complaint.

Our Duty attempted to obtain consent of counsel for the parties for leave via email prior to moving the Court. Counsel for Plaintiffs-Appellants consented. As of 4:00 p.m. PST, on November 20, 2024, Counsel for Defendants-Appellees have declined.

## INTEREST OF MOVANT

Our Duty – USA is a nonprofit group formed in 2024, with members comprising of parents and supporters with varied political backgrounds, and include gay members, irreligious members and every race and ethnicity, with members with children in Virginia. Our Duty springs from Our Duty International an international nonpartisan, nonreligious, and nonprofit group formed in 2018, with chapters in the UK, Australia, South Africa, and Canada and members in over 30 countries.

Our Duty presents lived-experiences of parents across the country to demonstrate the harms associated with excluding parents from the decision of a school to participate in the social transition of a gender-confused child. Amicus provides insight that can only be expressed by parents who have experienced raising a child with gender dysphoria or incongruence.

The Court should grant this motion for leave to file the accompanying brief as Amicus Curiae because of the special insights, facts, and data the brief can provide the Court. Our Duty's members

will be affected by this Court's decision, and it is requesting leave to provide the Court with information about the consequences of this Court's ruling. See e.g., *Legislature v. Deukmejian*, 34 Cal.2d 658, 662 (1982). Our Duty members demonstrate what happens when schools secretly socially transition their children.

Additionally, Our Duty is raising both facts and news issues about which the court may not be aware. New issues are permissible under circumstances. *White v. Huntington Beach*, 21 Cal.3d 497, 510-511 (1978). This brief will assist the judges by presenting ideas, arguments, theories, insights, facts, or data that are not to be found in the parties' briefs." *Voices for Choices v. Illinois Bell Telephone Co.*, 339 F.3d 542, 545 (7th Cir. 2003). Generally, the purpose of amicus curiae is to "provide impartial information on matters of law about which there was no doubt, especially in matters of public interest. *Miller-Wohl Co. v. Commissioner of Labor & Indus., State of Montana*, 649 F.2d 203, 204 (9th Cir. 1982).

Amicus Curiae offers "a unique perspective" of the real-world experiences of parents who have experience with schools that hid their child's gender distress from them. Our Duty also has specialized

knowledge about the effect of schools deceiving – actively or by omission - about their child’s requests to be treated as a gender that does not align with his or her sex. Gender dysphoria or incongruence, if not treated properly – teaching a child to accept and love themselves in their natural sex – places these children on an irreversible medical pathway that will in many cases, ultimately render these children and young adults incapable of procreating, a lack of sexual function and missing body parts. The long-term consequences of gender interventions are severe, and the risks do not outweigh any perceived benefits.

For these reasons, movant respectfully requests that this Court grant this motion and allow Our Duty to file this brief as Amicus Curiae in support of Plaintiffs-Appellants.

Dated: November 25, 2024

Respectfully submitted,  
**/s/ C. Erin Friday**  
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## CERTIFICATE OF SERVICE

I am employed in the County of San Mateo, State of California.

I am over 18 and not a party to this action. My business address is P.O. Box 442, San Carlos, CA 94070.

X I hereby certify that on November 25, 2024, I electronically filed the foregoing application and brief with the United States Court of Appeal for the Fourth Circuit, by using the Court's Electronic Filing System operated by CM/ECF.

/s/ C. Erin Friday

C. ERIN FRIDAY

OUR DUTY - USA